



CITY OF ATLANTA

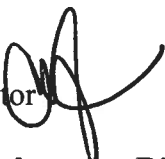
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
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M. KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: U-14-17 for Transfer of Development Rights (TDR) from
SENDING PARCELS: 979 Crescent Ave., 90 Peachtree Pl., and 990 Peachtree St.
TO RECEIVING PARCELS: 169, 171, 175, 179, 181, 185, 191, and 195 11th St., and 180 10th St.

DATE: September 8, 2014

The applicants seek a Special Use Permit for the transfer of Excess Development Density from property located at **979 Crescent Ave., 90 Peachtree Place, and 990 Peachtree St. (SENDING PARCELS)** to **169, 171, 175, 179, 181, 185, 191, and 195 11th St., and 180 10th St. (RECEIVING PARCELS)** and for other purposes.

FINDINGS OF FACT:

- **Property Location:** The sending property is located at 979 Crescent Avenue, 90 Peachtree Place and 990 Peachtree Street and is known as the Margaret Mitchell House. The property is in the block bounded by 10th Street, Peachtree Street, Peachtree Place and Crescent Avenue. The receiving property is located at 169, 171, 175, 179, 181, 185, 191, and 195 11th Street and at 180 10th Streets both street frontages between Piedmont Avenue and Juniper Street. Both properties are located in the Midtown neighborhood of NPU-E in Council Districts 2 and 6.
- **Property Size and Physical Features:** The subjects sending site collectively contains approximately 0.76 acres (33,017 square feet) of net lot area and 1.53 acres (66,408 square feet) of gross lot area with an existing two-story building known as The Margaret Mitchell House and a second building known as Commercial Row. The Margaret Mitchell House has been a designated landmark building/site since 1989 and is listed on the National Register of Historic Places since 1996. The Commercial Row building is a designated historic building (HBS). The receiving property consists of eight (8) contiguous parcels totaling approximately 1.72 acres (74,862.10 square feet) of net lot area and 1.95 acres (85,024.30 square feet) of gross lot area. The receiving parcel contains a vacant overgrown lot fronting 10th Street and a combination of one and two story single-family and multi-family residential structures. There

are several mature trees on site and the topography slopes downward on 11th Street from Juniper and 10th Streets down towards Piedmont Avenue.

- Current/Past Use of Property: The sending parcel is the Margaret Mitchell House which was designated as a Landmark Building or Site by the City of Atlanta on October 23, 1989, and was listed in the National Register of Historic Places on June 21, 1996. The Commercial Row building, also designated Historic Building (HBS) contains a variety of retail, restaurant, and office uses. The receiving property is currently occupied with a combination of one and two single-family and multi-family structures along the 11th Street frontage.
- Surrounding Zoning/Land Uses: The immediate land uses surrounding the sending parcel are designated Mixed Use and developed with medium to high density mixed use development. The immediate land uses surrounding the receiving parcel are designated Very High-Density Residential to the north and west and developed with predominantly multi-family residential uses. To the east (at 10th Street and Piedmont Avenue), the properties are designated Low Density Commercial are developed with one and two story commercial buildings.
- Transportation System: Peachtree Street, Piedmont Avenue and Juniper Streets are classified as arterial streets and 10th Street is classified as a collector street. MARTA bus service runs along Peachtree Street, 10th Street, Piedmont Avenue, and Juniper Street. The receiving property is within a 15-minute walk to both the Arts Center and Midtown MARTA transit stations.

PROPOSAL:

The subject of this request is a special use permit to transfer development rights from the Margaret Mitchell House and Commercial Row properties at 979 Crescent Avenue, 90 Peachtree Place and 990 Peachtree Street located in SPI-16, Subarea 1. The rights would be transferred to 169, 171, 175, 179, 181, 185, 191, and 195 11th Street and at 180 10th Streets in SPI-16, Subarea 2. Pursuant to this request, 169,100 square feet of residential development density is sought to be transferred to the receiving property. No other development rights are sought to be severed from the sending property at this particular time, including all remaining residential development rights, non-residential development rights and mixed-use development rights. It is intended that all such other non-transferred development rights shall remain on the sending property. In accordance with Sec. 16-18P.007(1)(f) and 16-25.002 of the Zoning Ordinance the documents ensure that the historic property shall be preserved in perpetuity. Calculations of the transfer of development rights are as follows:

Sending Property				
	Parcel A 979 Crescent Ave	Parcel B 90 Peachtree Place	Parcel C 990 Peachtree Street	Combined Total
Net Lot Area (SF)	24,177 sf	1,794 sf	7,046 sf	33,017 sf
Gross Lot Area (SF)	48,627.9 sf	3,608.3 sf	14,171.8 sf	66,408 sf

Sending Property Residential Density Transferred - Allocations				
	Parcel A	Parcel B	Parcel C	Combined Total
Base FAR 3.2 x net lot area	77,366.4 sf	5,740.8 sf	22,547.2 sf	105,654.4 sf
Transit Bonus 3.2 x net lot area	77,366.4 sf	5,740.8 sf	22,547.2 sf	105,654.4 sf
Ground Floor Retail Bonus 2.0 x gross lot area	97,255.7 sf	7,216.6 sf	28,343.6 sf	132,815.9 sf
Open Space Bonus 6.4 x g-n	156,485.5 sf	11,611.7 sf	45,605.2 sf	213,702.4 sf
Total Residential Density Available Pre- TDR's	408,474 sf	30,309.9 sf	119,043.2 sf	557,827.1 sf
Total Residential Density Transferred	210,881.6 sf	11,611.7 sf	66,896.7 sf	289,390.0 sf
Total Residential Density Remaining**	197,592.4 sf	18,698.2 sf	52,146.5 sf	268,437.1 sf
** A special use permit U-13-10/13-O-1038 was previously granted from the sending property.				

Receiving Property			
	Lot 1	Lot 2	Combined Total
Net Lot Area (SF)	39,544 sf	35,318.1 sf	74,862.1 sf
Gross Lot Area (SF)	45,460.3 sf	39,564 sf	85,024.3 sf
Maximum Residential FAR allowed Open Space Bonus 3.2 times GLA	100,892.2 sf	126,605 sf	227,497.2
Maximum Residential FAR allowed Open Space Bonus 6.4 times GLA (in Juniper Transition Area)	89,162 sf	n/a	89,162 sf
Total development rights receiving	107,800 sf	61,300 sf	169,100 sf
Total Floor Area provided for each lot (with Bonus and TDR)	297,854.2 sf	187,905 sf	485,759.2 sf
Applicable UOSR requirements based on densities proposed	1.05 x GLA = 47,733 sf	0.83 x GLA = 32,838 sf	80,571 sf

No changes are requested on the donor property as a part of the Special Use Permit. Therefore, the criteria associated with a Special Use Permit are not relevant to the transfer for the donor property. The following criteria will apply to the receiving property.

Pursuant to the transfer of development rights, the receiving property seeks to incorporate 169,100 square feet of additional residential density into the proposed multi-family development consisting of two towers. The proposed development on the receiving property consists of two phases of development: a 24-story tower with 142 units and 207 parking spaces in Phase I and an 18-story tower with 187 units and 5,000 square feet of ground floor commercial space and 255 parking spaces in Phase II. A shorter five story building attached to the 24 story tower is part of the Phase I of the development but will not be receiving development rights on its parcel. Amenities will include a pool and pool deck and fitness center. The maximum building heights to the top of the parapet shall not exceed 250 feet.

- a) **Ingress and egress:** Ingress and egress for vehicular traffic will be provided via driveways on 10th Street and 11th Street and Piedmont Avenue (for the non-receiving parcel). Loading and trash service will be provided via the 11th Street driveway.
- b) **Parking and loading:** Parking will be provided via two separate proposed parking decks for each tower. The applicant has indicated that the vehicular ingress to and egress from the property will not cause congestion because there will be three access points to the properties from 10th Street, Piedmont Avenue and 11th street.
- c) **Refuse and service areas:** Refuse and garbage will be conveyed internally to dumpsters located in the center between both towers. The applicant has indicated that a private disposal service will handle trash removal multiples times of the week.
- d) **Buffering and screening:** The applicant intends to comply with the SPI-16 landscaping and screening requirements.
- e) **Hours and manner of operation:** The proposed development is for multifamily residences where the hours of operation will vary based upon the activities of the tenants. Hours of ground floor residential uses have not been identified since the tenants have not yet been selected.
- f) **Duration:** Applicant is seeking an extension of the time periods for expiration as follows:
 - Phase I: 12 month extension to begin initial development and 36 months to obtain a certificate of occupancy for all structures on the site plan for the Lot I property.
 - Phase II: 48 month extension to begin initial development and 96 months to obtain a certificate of occupancy for all structures on the Lot II property.
- g) **Required yards and open space:** Final building footprints and setbacks will be addressed during the time of Special Administrative Permit (SAP) approval in accordance with the SPI district regulations.

- h) **Tree Preservation and Replacement:** The applicant states that the Tree Ordinance of the City of Atlanta will be met.

CONCLUSIONS:

- a) **Ingress and egress:** The proposed ingress and egress appears to be adequate for the development.
- b) **Parking and loading:** The proposed parking decks along with loading and service areas appear to be adequate to address the requirements of the SPI-16 district.
- c) **Refuse and service areas:** The proposed refuse and service area appears to be adequate for this multifamily residential development.
- d) **Buffering and screening:** The SPI-16 requirements appear adequate for this development.
- e) **Hours and manner of operation:** The hours of operation will vary based on the type of residents and ground floor commercial uses along 10th Street. This is reasonable based on the proposed use.
- f) **Duration:** Once constructed the duration of the SUP permit is unlimited. However, commencement of construction must occur within the allowable time frames established by the Transfer of Development rights ordinance.
- g) **Required yards and open space:** All required yards and open space should be met.
- h) **Tree Preservation and Replacement:** The applicant will have to comply with the City of Atlanta Tree Ordinance upon application of a building permit.

STAFF RECOMMENDATION: APPROVAL, conditioned upon the following:

1. All agreements, assignments, affidavits and other documents submitted with the application to the Office of Planning on July 11, 2014 for a Special Use Permit to transfer a total of 169,100 square feet of residential development rights from 979 Crescent Avenue, 90 Peachtree Place and 990 Peachtree Street to 169, 171, 175, 179, 181, 185, 191, and 195 11th Street and at 180 10th Street. Of this amount, Phase I (Lot I) will receive 107,800 square feet of transferred residential density. The Phase II (Lot II) property will receive 61,300 square feet of transferred residential density.
2. The maximum building heights shall be 250 feet.
3. **Duration:** Applicant shall be granted an extension of the time periods for expiration for the Special Use Permit as follows:
 - Phase I: 12 month extension to begin initial development and 36 months to obtain a certificate of occupancy for all structures on the site plan for the Lot I property.
 - Phase II: 48 month extension to begin initial development and 96 months to obtain a certificate of occupancy for all structures on the Lot II property.



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CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-48 for Downtown SPI-1 Text Amendment for Pedestrian Bridges

DATE: September 8, 2014

An ordinance by Councilmember Kwanza Hall to amend Section 16-18A.019 Bridges and Tunnels of the Downtown SPI-1 Special Public Interest District, so as to modify and revise certain provisions of said Section.

FINDINGS OF FACT:

- Property location: The text amendment pertains to properties located within the boundaries of the Downtown SPI-1 Special Public Interest District within land lots 50, 51, 52, 76, 77, 78, 79, 83, 84, and 85 of the 14th District, Fulton County, Georgia.
- Property size and physical features: The text amendment does not alter property dimensions; therefore this consideration is not applicable. Physical features (of buildings) throughout Downtown vary and would only be altered only on properties proposing to construct a pedestrian bridge connecting two buildings that met the criteria of the ordinance.
- CDP land use map designation: The text amendment does not change the land use designation of properties within the Downtown SPI-1 District; therefore this consideration is not applicable.
- Current/past use of property: The text amendment does not change the uses of properties within the Downtown SPI-1 District; therefore this consideration is not applicable.
- Surrounding zoning/land uses: The text amendment does not change the zoning or uses of properties within the Downtown SPI-1 District; therefore this consideration is not applicable.

- Transportation: The text amendment would serve to provide an additional pedestrian connection over a public street connecting two buildings and would not affect vehicular or pedestrian circulation directly on public streets for properties within the Downtown SPI-1 District; therefore this consideration is not applicable.

PROPOSAL:

The proposed legislation would amend the Downtown SPI-1 Special Public Interest district to allow a pedestrian bridge over a public street subject to the following criteria:

- 1) That said pedestrian bridge connects two buildings that are owned by the same owner and are operated by a common business enterprise; and
- 2) That the buildings connected by said bridge have an aggregate size of more than three million five hundred thousand (3,500,000) gross square feet; and
- 3) That the facades of the buildings connected by said pedestrian bridge meet all of the active-use and storefront fenestration requirements of Sec. 16-18A.011 and if the facades are located along a storefront street, all of the requirements of Sec. 16-18A.012; and
- 4) That the required sidewalks located adjacent to all sides of the buildings connected by said pedestrian bridge meet all of the requirements of streetscape requirements of Sec. 16-18A.009; and
- 5) That all requirements of City of Atlanta Code of Ordinances Sec. 138-25 pertaining to encroachments in the right-of-way are met.

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed legislation to amend the Downtown SPI-1 district would not change the current land use designations nor affect the timing of redevelopment of properties within the district; therefore this consideration is not applicable.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** The text amendment pertains to pedestrian bridges over public streets and has no direct bearing on public facilities or services; therefore these considerations are not applicable.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The text amendment does not affect existing or proposed land uses allowed by the Downtown SPI-1 zoning district. Therefore, these considerations are not applicable.
- 4) **Effect on character of the neighborhood:** The text amendment would have a minimal effect on the character of the neighborhood as very few properties would meet the threshold

criteria to qualify for a pedestrian bridge. Staff recommends additional restrictions in a substitute ordinance that would further reduce effects on the character of the neighborhood.

- 5) **Suitability of proposed land use:** This text amendment does not affect land uses allowed by the Downtown SPI-1 zoning district. Therefore, these considerations are not applicable.
- 6) **Effect on adjacent property:** The text amendment would have a minimal effect on adjacent properties because the threshold criteria in the ordinance limits bridges to developments of significant size and requires unified ownership and management of buildings proposing to have a pedestrian bridge. Furthermore, Staff recommends additional restrictions in a substitute ordinance that would further reduce effects on adjacent properties.
- 7) **Economic use of current zoning:** The proposed text amendment does not change the current zoning or use of a property, but seeks to allow additional pedestrian access over streets between two buildings that meet the criteria in the ordinance; therefore, this consideration is not applicable.
- 8) **Compatibility with policies related to tree preservation:** The text amendment pertains to construction of pedestrian bridges over public streets; therefore these considerations are not applicable. However, should there be any impacts on trees when a new bridge is proposed, the applicant would be required to comply with the City of Atlanta Tree Ordinance.
- 9) **Other considerations:** Staff is of the opinion that the proposed text amendment is in keeping with the intent of the SPI-1 regulations to preserve, protect and enhance Downtown's role as the civic and economic center of the Atlanta region by encouraging the development of major commercial uses. Downtown SPI-1 contains very large facilities and venues which attract public and private events that have a substantial positive economic impact on the City because they increase the occupancy of hotels, the patronage of restaurants and the purchase of goods and services from City businesses. The construction and expansion of these facilities and venues is vitally important to the continued economic development of Downtown and in order for such facilities and venues of this large scale to be located Downtown, on parcels that are limited to a specific size by the existing network of public streets, it is necessary to allow additional pedestrian connections across public rights-of-way. The proposed text amendment would enable those connections but also maintain the sidewalk-level requirements for streetscapes, active ground-floor uses and storefront facades to foster pedestrian activity along City streets. Staff recommends additional restrictions in a substitute ordinance that would further reduce any adverse effects on the character of Downtown and maintain a lively and safe streetscape environment.

STAFF RECOMMENDATION: APPROVAL OF SUBSTITUTE ORDINANCE

The Substitute Ordinance makes the following revisions:

- 1) Creates definitions for a pedestrian bridge and the term “transparent”.
- 2) Clarifies the minimum building size threshold as a minimum floor area requirement.
- 3) Adds a minimum height requirement for a bridge to extend over a public street.
- 4) Adds a maximum width restriction on the size of a pedestrian bridge.
- 5) Add requirements for bridge transparency to ensure visibility into said bridge.



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KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: U-14-19 for 211 Peachtree Street, S.W.

DATE: September 8, 2014

An Ordinance granting a Special Use Permit pursuant to Section 16-18A.006 (4) for a Bus Terminal, property located at **211 PEACHTREE STREET, S.W.**

Technical errors were made with public notice process for this application. Consequently,. The application will need to be readvertised.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-OCTOBER 2014




KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board
FROM: Charletta Wilson Jacks, Director 
SUBJECT: Z-14-35 for 659 Auburn Avenue, N.E.

DATE: September 8, 2014

The applicant requests a change in conditions for property zoned **PD-MU (Planned Development-Mixed Use) District** in 2007.

FINDINGS OF FACT:

- property location: The property fronts on Auburn Avenue, Irwin Street and Edgewood Avenue. It also has frontage along the Atlanta BeltLine. The property is located in the Old Fourth Ward Neighborhood of NPU-M in Council District 2.
- property size and physical features: The subject property is 8.93 acres and is currently developed as StudioPlex. There are some trees on the site and the applicant has agreed to work with the City Arborist to ensure that the site is redeveloped in accordance with policies related to tree preservation. There are some topographical considerations.
- CDP land use map designation: Mixed Use
- current/past use of property: The property is currently developed as StudioPlex.
- surrounding zoning/land uses: The subject property is in an area of a variety of zonings and uses. To the north, south and east are MRC-2-C and C-2 properties. Auburn Avenue separates the site new single family homes and new townhomes; Irwin Street separates the site from non-residential buildings that contain eating and drinking establishments; the future Beltline transit greenway abuts the east side of the site and separates it from commercial uses along Krog Street; Edgewood Avenue separates the site from various commercial and industrial uses. Airline Street separates the site from single family residences and vacant land.

- transportation system: Auburn Avenue, Irwin Street and Edgewood Avenue are collectors. Airline Street is a local street. MARTA bus route 3 serves the area. Sidewalks are found along Irwin Street and a portion of Auburn Avenue.

PROPOSAL:

The applicant is requesting certain changes in the conditions adopted in May 2007. The overall approved density of 373,000 square feet and uses will not change. The specific development program is subject to future refinement.

Current conditions are specific to the amount of development and residential units per tract. These conditions are being eliminated retaining the height restrictions to allow for greater design flexibility in allocating future development across the site.

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**
No change in zoning is requested, only a change in conditions therefore no amendment to the Comprehensive Development Plan 15 year Land Use map is required.

There are no public projects or programs with which the timing of the project would conflict.

- (2) **Availability of and effect of public facilities and services; referral to other agencies:**
The location of the site and surrounding uses indicate there are public facilities and services available to the subject property.

The capacity of the sewer system to accommodate the proposed development will be reviewed by the Department of Watershed Management after the developer applies for a building permit. During this review, tie-in to specific sewer lines will be determined, as well as any necessary improvements to the sewer line that would lie within the boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** This project is expected to have a positive effect on the balance of land uses in the area by enhancing and promoting the creation of a mixed-use neighborhood center adjacent to the future Beltline transit greenway, including commercial uses that serve both residents of the development and the surrounding neighborhood.

- (4) **Effect on character of the neighborhood:** This project is expected to have a positive impact on the surrounding neighborhood by improving the visual character of the property, expanding housing and retail options and improving pedestrian facilities.

- (5) **Suitability of proposed land use:** No change in land use is proposed.
- (6) **Effect on adjacent property:** Redevelopment of the property should have a positive impact on adjacent properties.
- (7) **Economic use of current zoning:** No change in zoning is requested only a change of conditions.
- (8) **Tree Preservation:** It is the applicant's intent to comply with the City of Atlanta Tree Ordinance.

STAFF RECOMMENDATION: APPROVAL conditioned to the following:

Site Plan

1. Zoning of the subject property is conditioned on general conformance with site plan entitled "Zoning Site Plan for Studioplex", prepared by Smith Dalia Architects with Tunnell-Spangler-Walsh, originally dated March 23, 2007, revised June 26, 2014 and marked received by the Office of Planning June 30, 2014. Said site plan is hereinafter referred to as the Master Site Plan.

Definitions

2. As used herein, "historic mill building" shall mean the two story, north-south oriented brick structure existing on the site prior to redevelopment, and shown as Buildings A and B on the Master Site Plan.
3. As used herein, "historic outbuilding" shall mean the one story, one-side brick structure located north of the historic mill building fronting directly on Auburn Avenue and shown as Building D on the Master Site Plan.
4. As used herein, "Beltline" shall mean the rail right-of-way located along the eastern edge of the subject property.

Land Uses and Site Planning

5. All commercial and restaurant establishments located on the ground floor of new buildings and within ten horizontal (10) feet of a public sidewalk along a public street shall:
 - a. Provide windows and entrances for a minimum of sixty-five (65) percent of the length of the frontage, beginning at a point not more than three (3) feet above the sidewalk, for a height no less than nine (9) feet above the sidewalk. Windows for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass or other similarly treated windows. Entrances may be counted towards window requirements.
 - b. Facades shall have a maximum length of twenty (20) feet without windows or entryway.This condition shall not apply to commercial and restaurant establishments located on the ground floor of the historic outbuilding.
6. There shall be no minimum total open space or public space requirements.

7. Minimum usable open for the entire site shall be 32,000 square feet, and shall include a courtyard between buildings A and B, and a green/patio space between buildings E and A.
8. Land located between the historic mill building and the Beltline may continue be utilized as surface parking for the historic mill building and the historic outbuilding on the site.
9. Patio areas shall not be included in determining maximum allowable square footage within each Tract of the subject development.
10. A landscape buffer with a minimum width of ten feet shall be provided along the Beltline and planted with trees a maximum distance of 50 feet on-center.
11. There shall be no setback requirements other than those specifically indicated on the Master Site Plan or as required by the International Building Code (as adopted by the City of Atlanta) for fire separation.

Parking

12. Shared parking shall be permitted among different uses within the project, even if subsequently subdivided into different parcels or developments.
13. Off-street parking shall be provided as follows:
 - a. Minimum off-street parking ratios shall be as established in Chapter 19B. PM-MU Planned Development Mixed-Use District Regulations.
 - b. Maximum off-street parking ratios shall be as follows:
 - i. Residential: One space per bedroom.
 - ii. Office and retail: Four spaces per 1,000 square feet of floor area.
 - iii. Eating and drinking establishments: Twelve spaces per 1,000 square feet of floor area.
 - iv. Theater: Two spaces per four seats.
 - v. Said maximum ratios shall apply to the entirety of the project, and may be exceeded on individual parcels or developments.
14. Section 16-28.015 notwithstanding, the project shall not be required to provide more than two off-street loading spaces. Said spaces shall have a minimum dimension of 12 feet by 35 feet and a vertical clearance of 14 feet.
15. Eating and drinking establishments may provide outdoor seating areas and no additional parking shall be required for such outside seating areas.
16. Section 16-36.017(2)(a) of the BeltLine Overlay, notwithstanding, the project may include one circular drive or other vehicular access from Edgewood Avenue.

Development Permission, Building Height, and Land use by Tract

17. Land uses and building densities. The building types, building footprints, driveway/street locations, and lot lines that are shown in this site plan are for illustrative purposes only. Each Tract shall be developed in accordance with the use limitations, building setback lines, buildable area, building height limitations, and building density shown for each Tract within the development.
18. Total new development (excluding existing uses in Buildings A, B and C, but not D) shall not exceed the Development of Regional Impact (DRI) thresholds established by the Georgia Department of Community Affairs without undergoing said DRI review.

19. The maximum permitted combined new residential and non-residential floor area for the entire site shall be 373,000 square feet, which may be allocated to residential or non-residential floor area, and which may be allocated to any tract, subject to the new building height limits set forth below by Tract.
 - a. Tract I.
 - i. Building height within 40 feet of the existing southern edge of the Irwin Street right-of-way shall not exceed 65 feet above average finished grade along said Irwin Street.
 - ii. Building height 40 or more horizontal feet from the existing property line along Irwin Street shall not exceed 75 feet above average finished grade.
 - iii. One unoccupied mast or tower with a maximum height of 85 feet above average grade shall be permitted. Said mast or tower shall have a maximum footprint of 400 hundred square feet.
 - b. Tract II.
 - i. Building height shall be limited to 24 feet above the average rooftop elevation of the original mill building.
 - c. Tract III.
 - i. Building height shall not exceed 65 feet above average finished grade.
 - d. Tract IV.
 - i. Building height shall not exceed 40 feet above each building's average finished grade along Airline Street.
 - e. Tract V.
 - i. Building height shall not exceed 78 feet above average sidewalk grade along Edgewood Avenue.

Street and Sidewalk Standards and Requirements

The requirements of the following sidewalk standards shall take precedence over all other City of Atlanta regulations affecting public sidewalk treatment.

20. Sidewalks on Irwin Street: A minimum 5 feet wide street furniture and tree planting zone shall be provided adjacent to the curb. Said zone may be hardscaped or landscaped between trees planting areas, or may include parallel parking spaces between tree planting areas. Hardscape may include pavers, porous concrete or decorative concrete. A minimum 10 feet wide Sidewalk Clear zone shall be provided and shall be concrete or other hard surface.
21. Minimum sidewalk widths on all other streets shall be the widths existing at the date of approval of this Rezoning by Atlanta City Council. The developer may elect to provide wider sidewalks along these streets.
22. Street Trees: Where required or otherwise planted, shall have a minimum of 2 ½" in caliper, shall have a minimum 24' square feet planting area, and shall be spaced an average of 45' feet apart and a maximum of 50'. Trees shall be permitted within two feet of the face of curb at time of planting.
23. A maximum of four new driveway curb cuts shall be permitted along Airline Street.




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CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-39 for 410-418 Grant Park Place, 769-785 Cherokee Avenue, 421-423 Augusta Avenue, and 765-775 Harrison Place, S.E.

DATE: September 8, 2014

The applicant requests a change in conditions for property zoned to the **PD-MU (Planned Development-Mixed Use) District** in April 2008.

This application will need to be readvertised in order that all impacted addresses are incorporated. Also the applicant has requested a 60 day deferral to discuss certain conditions with the impacted neighborhood.

STAFF RECOMMENDATION: 60-DAYDEFERRAL – NOVEMBER 2014



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MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-02 for 1020 Piedmont Avenue, N.E.

DATE: September 8, 2014 (*deferred from May 8, April 17, March 13, and July 10, 2014*)

The applicant is seeking to rezone from the SPI-17 commercial Subarea 3 (Special Public Interest / Subarea #3: 10th and Piedmont) to the SPI-17 multi-family residential Subarea 2 (Special Public Interest / Subarea #2: Piedmont North) for a new multifamily residential development comprised of three buildings (two of which are connected) and accessory ground floor retail along 10th Street and at the corner of Piedmont Avenue and 11th Street. The rezoning only includes the subject parcel as part of the master development. The applicant is seeking a special use permit (U-14-17) to acquire a transfer of development rights.

FINDINGS OF FACT:

- Property location: the subject property is located on the west side of Piedmont Avenue between 10th Street and 11th Street in the Midtown Neighborhood of NPU-E, Council District 2. It is located in land lot 106 of the 17th District, Fulton County, Georgia.
- Property size and physical features: The subject property is approximately 0.3025 acres (or 13,176.9 square feet) and gradually slopes northward towards 11th Street and downward towards the rear of the property. There are several mature trees and a 2-3 story multi-family apartment building.
- CDP land use map designation: The current land use designation is Low Density Commercial (LDC). A CDP land use designation is not required to change the zoning to allow for the proposed multi-family development.
- Current/past use of property: The property has been and continues to be used as multi-family residential.

- Surrounding zoning/land uses: Surrounding zoning to the abutting north and east is the Piedmont Avenue residential Subarea #2, to the south is the Piedmont Avenue SPI-17 commercial Subarea #2. Apartments and condominiums surround the property to the north and east. The adjacent and nearby properties to the south contain commercial uses such as retail, photography studio, doctor's office, chiropractor's office, massage and beauty salons, eating and drinking establishments, and dry cleaning establishment.
- Transportation: Piedmont Avenue is classified as an arterial street. MARTA bus service runs along 10th Street, Piedmont Avenue, and Juniper Street. The property is within a 15-minute walk to both the Arts Center and Midtown MARTA transit stations.

PROPOSAL:

The applicant is seeking to rezone the properties to construct a multi-family development in two Phases. This parcel would be part of a 5-story building containing 44 dwellings at the corner of Piedmont Avenue and 11th Street that would be constructed in the first Phase of a larger development comprised of two residential towers. The 5-story building would be attached to a 24-story residential tower with 142 units. The second phase would be an 18-story tower fronting onto 10th Street containing 187 units and 5,000 square feet of ground floor retail. 495 parking spaces would be provided for the Phase I development and 255 spaces for the Phase II tower.

CONCLUSIONS:

- 1) Compatibility with comprehensive development plan (CDP); timing of development:
The proposed rezoning is compatible with the comprehensive development plan and a CDP land use change is not required. The rezoning would affect the timing of development since it would enable redevelopment of the property as proposed.
- 2) Availability of and effect on public facilities and services; referrals to other agencies:
Public facilities and services exist; however, at time of permitting the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- 3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need: There are other parcels applicable for redevelopment, however, this particular parcel is part of a larger unified development proposal. The change is zoning of this parcel from a commercial subarea to a multi-family residential subarea is appropriate for the balance of land uses in this immediate area.
- 4) Effect on character of the neighborhood: The rezoning would take the property out of the commercial subarea of SPI-17 and change it to a multi-family designation. The zoning change would have a positive impact on the character of the neighborhood by reducing the amount of commercial encroachment into a predominately multi-family residential area in Midtown and allow for the redevelopment of the property.

- 5) **Suitability of proposed land use:** The proposed new multi-family development would provide an appropriate transition between the commercial uses at the Piedmont/10th Street intersection and the multi-family residential properties to the north.
- 6) **Effect on adjacent property:** The adjacent properties along the south side of 11th Street are in disrepair, and the rezoning of the subject property would allow for redevelopment of these properties as part of a new multi-family development. This new development would comply with the streetscape requirements for new sidewalks, street lights and street trees as well as building orientation to the street requirements and result in a positive impact on adjacent residential properties in the neighborhood. Although there are some variations for setback reductions, staff is supportive of such reductions adjacent to the commercially zoned properties.
- 7) **Economic use of current zoning:** The current zoning provides for economic use of the property, however, a change in the zoning would facilitate its redevelopment into a new multi-family development that would improve the neighborhood.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

STAFF RECOMMENDATION: APPROVAL



CITY OF ATLANTA


M. KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-07 for Works of Art on Private Property

DATE: September 8, 2014

An Ordinance to amend the code of ordinances of the City of Atlanta by creating a new article in Chapter 46 “Civic and Cultural Affairs” which is to be known as **“WORKS OF ART ON PRIVATE PROPERTY;”** amending Section 16-28.025 of the 1982 Zoning Ordinance to reserve said section for future use; and for other purposes.

FINDINGS OF FACT:

Currently, the City of Atlanta reviews and approves, through action of the Atlanta City Council, non-commercial displays on private property, as set forth in Section 16-28.025 (“Public Art”) of the Atlanta Zoning Ordinance.

The proposed ordinance 14-O-1022 has two main sections. Section 1 would delete that entire section 16-28.025 of the Atlanta Zoning Ordinance and reserve it for future use. This is the sole subject matter of zoning matter Z-14-007 which the Office of Planning and this Board is called upon to review. However, section 2 of the proposed ordinance would add a new article to Chapter 46 (“Civic and Cultural Affairs”) of the City of Atlanta Municipal Code entitled “Works of Art on Private Property”.

As set forth in Atlanta Zoning Ordinance Sec. 16-27.004, the Office of Planning is charged with considering each proposal for **amendment to the zoning ordinance** and as a basis for its recommendations shall report on specified criteria, among others, ***as appropriate to the circumstances of the case***. These criterion are enumerated in the Conclusion section of this report. Because only Section 1 of the proposed ordinance would amend the Atlanta Zoning Ordinance (i.e. “text amendment”), the Staff’s analysis and findings are limited to Section 1 of the proposed ordinance. Section 2 of the proposed ordinance is not a “zoning decision” within the meaning of the Zoning Procedures Law (O.C.G.A. § 36-66-3(4)). Pursuant to Atlanta Zoning Ordinance Section 16-27.004, it

is therefore not appropriate for Staff to opine in this staff report on matters that do not propose amendments to the Atlanta Zoning Ordinance. That matter is solely within the purview of policy makers.

CONCLUSIONS:

As set forth in Atlanta Zoning Ordinance Sec. 16-27.004, the Office of Planning is charged with considering each proposal for amendment to the Zoning Ordinance and as a basis for its recommendations shall report on the following criteria, among others, *as appropriate to the circumstances of the case*:

- (1) Compatibility with comprehensive development plan (CDP); timing of development: The Staff finds that this does not apply as there is no specific property or properties associated with this text amendment.
- (2) Availability of and effect on public facilities and services; referrals to other agencies: The Staff finds that this does not apply as there is no specific property or properties associated with this text amendment.
- (3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)): The Staff finds that this does not apply as there is no specific property or properties associated with this text amendment.
- (4) Effect on character of the neighborhood: The Staff finds that this does not apply as there is no specific property or properties associated with this text amendment.
- (5) Suitability of proposed land use: The Staff finds that this does not apply as there is no specific property or properties associated with this text amendment.
- (6) Effect on adjacent property: The Staff finds that this does not apply as there is no specific property or properties associated with this text amendment.
- (7) Economic use of current zoning: The Staff finds that this does not apply as there is no specific property or properties associated with this text amendment.
- (8) Compatibility with policies related to tree preservation: The Staff finds that this does not apply as there is no specific property or properties associated with this text amendment.
- (9) Other considerations:
None.

STAFF RECOMMENDATION: APPROVAL ON SUBSTITUTE as it pertains to Section 1 of the proposed ordinance 14-O-1022 (sole subject matter of Z-14-07). No recommendation provided, for the reasons set forth herein, as it pertains to Section 2.



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KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: U-14-14 for 551 Harwell Road, S.W.

DATE: September 8, 2014

An Ordinance by Zoning Committee granting a Special Use Permit for Church pursuant to Section 16-05.005 (1) (c) for property located at **551 HARWELL ROAD, S.W.**

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 1,318 feet on the east side of Harwell Road near the intersection of Harwell Road and Collier Road. The property is in Land Lot 239 of the 14th District, Fulton County Georgia. It is in the Collier Heights neighborhood of NPU-I, Council District 10.
- **Property size and physical features:** The subject property is a large, abnormally-shaped 38.5 acre lot with a large floodplain that cuts across it from the northeast to the southwest. There are currently 2 existing institutional buildings in the northwest are of the lot. There are concrete parking lots and driveways in the front, and to the side of the building. The lot has two street frontages – the west fronts Harwell Road, and the south fronts Collier Drive.
- **Current/past use of property:** There is currently a church on the property.
- **Surrounding zoning/land uses:** The subject property lies within a well established single-family residential neighborhood consisting of R-3 and R-4 zoning.
- **Transportation system:** Harwell Road and Collier Drive are both roads that are serviced by MARTA.

PROPOSAL

The applicant proposes to add offices and bathrooms to the front of an existing church facility. The addition will consist of 2,200 square feet.

- **Ingress and egress:** The current entrance and exit to the property will remain in the current configuration. The proposed addition will not adversely affect the existing property access.
- **Off-street parking and loading:** The current parking and loading will remain in the current configuration. The proposed addition will not adversely affect these areas.
- **Refuse and service areas:** The two existing dumpsters will remain in their current locations.
- **Buffering and screening:** No buffering/screening is required for the bathroom/office addition.
- **Hours and manner of operation:** The church is existing, and the bathroom/office additions will not alter the existing hours and manner of operation.
- **Duration:** The applicant has requested that the duration of the Special Use Permit be for an unlimited time.
- **Required yards and open space:** The proposed addition does not interfere with any required yards or open space.
- **Tree Preservation and Replacement:** No trees will be damaged or removed as a result of the church addition.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The proposed addition does not affect the existing ingress and egress, which is already sufficient.
- b) **Off-street parking and loading:** The proposed addition does not affect the existing off-street parking and loading.
- c) **Refuse and service areas:** The proposed addition does not affect the existing refuse and service areas, which are sufficient already.
- d) **Buffering and screening:** No additional buffering and screening is required for the proposed addition.

- e) **Hours and manner of operation:** The hours and manner of operation are not affected by the church/office addition.
- f) **Duration:** The church is existing, and this is not applicable to the scope of work for this permit.
- g) **Compatibility with policies related to tree preservation:** No trees are being impacted.
- h) **Required yards and open space:** The proposed church addition will not impact the required yards and open space requirements of the site.

STAFF RECOMMENDATION: APPROVAL, conditioned on the following:

1. Site Plan designed by Key Designs for St. Paul of the Cross Passionist Fathers, received May 29, 2014 by the Office of Planning.



CITY OF ATLANTA


M. Kasim Reed
MAYOR

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CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: U-14-15 for 1165 Arlington Avenue, SW

DATE: September 8, 2014 (*deferred from August 14, 2014*)

Applicant is seeking a special use permit (SUP) for a rehabilitation center for children ages 12 – 18 years of age.

The subject property is located in the Oakland City Historic District. Staff recommends a 60-day deferral to allow applicant to present for *Review and Comment* to the Atlanta Urban Design Commission at their public hearing.

STAFF RECOMMENDATION: 60 DAY DEFERRAL-NOVEMBER 2014



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-21 for 1131 Mecaslin Street, NW (and 380 14th Street NW)

DATE: September 8, 2014 (*deferred from August 14 and July 10, 2014*)

The applicant seeks to rezone **from R-5 (Two-family Residential) district to the C-1 (Community Business) district** for a mixed use building including hotel and retail uses and an accessory parking structure.

FINDINGS OF FACT:

- **Property location:** The subject site for rezoning is one parcel with 100 feet of frontage along Mecaslin Street located 160 feet from the southeast intersection of Mecaslin Street and 14th Street. This rezoning is part of a proposal inclusive of three (3) parcels at the southeast intersection of 14th Street and Mecaslin Street. It is located in land lot 149 of the 17th District, Fulton County, Georgia. It is in the Home Park neighborhood of NPU-N, Council District 2.
- **Property size and physical features:** The subject site for rezoning purposed comprises 0.260 acres (11,325 square feet) having only a surface parking lot accessory to the former uses to its north across an adjacent alley. The site slopes to the south along Mecaslin Street about 5 feet overall and contains several mature trees in the front lawn along Mecaslin Street and boundary trees in the south and east rear yards.
This rezoning is part of a proposal inclusive of three (3) parcels of a combined size of 0.925 acres at the southeast intersection of Mecaslin Street.
- **CDP Land Use Plan Designation:** The current land use designation is Low Density Residential (LDR) A CDP land use change is required to change the zoning to commercial to allow for this proposed hotel use with an accessory parking structure as part of the overall proposal.
- **Current/past use of properties:** The subject parcel appears to have served as a surface parking lot for previous adjacent uses according to the applicant for at least 50 years past. These adjacent uses contained what was previously believed to be a church and most recently a performance theater now shuttered.

- **Surrounding zoning/land uses:** Land uses and zoning to the south of the subject site are consistently Low Density Residential (LDR) with R-5 (two-family) residential zoning and SPI-18 overlay. These sites are developed with a mixture of single-family and two-family structures in various maintenance levels. Land uses fronting along 14th Street to the north, east and west are more varied with predominately Low Density Commercial (LDC) land uses containing C-2 and C-1-C zoning. These sites house a variety of commercial uses including restaurants, personal services, home good repair, auto wash, offices, small grocers and places of worship, among others. Also, there is a High Density Commercial land use with C-3-C zoning to the northwest housing the local CBS network headquarters and a Mixed Use land use with MRC-3-C zoning less than 250' to the northeast having restaurant uses.
- **Transportation system:** Like most nearby right-of-way Mecaslin Street is classified as a local street but nearby 14th Street is known as US-19 and state route GA-9 and is classified as a collector street. The frontage of subject site along Mecaslin Street has a sidewalk but the rest of Mecaslin Street does not. No nearby MARTA service is provided.

PROPOSAL:

The applicant proposes change in zoning (and concurrent special use permit) to allow for construction of a new four (4) story mixed use building including a combined hotel and retail building with an accessory parking structure as part of a larger site at the southeast intersection of 14th Street and Mecaslin Street. The building is proposed to contain 122 guest rooms with 1,300 square feet of meeting room(s) and 5,931 square feet of commercial floor area including likely retail/restaurant spaces predominately occurring on the north section of the site not requiring this rezoning. Parking would be provided via 163 spaces in a bi-level parking deck with only one (1) exposed level above grade provided to meet minimum parking requirements. Parking and loading would be accessible via three (3) curbcuts on Mecaslin Street -including one curbcut on the 1131 Mecaslin Street site subject to this rezoning.

Development Specifications: (for 1131 Mecaslin Street)

Net Lot Area:	0.260 acres (11,325 s.f)
Max non-residential FAR Allowed:	22,650 sf. (2.0 times net lot)
Non-residential FAR Proposed:	undetermined on-site; but overall site: 7,231 s.f. retail/restaurant & 122 hotel rooms
Building Height Max Allowed:	None, except for transitional height plane
Building Height Proposed:	4 stories & meeting transitional height plane
Setbacks Required:	Front: 10' Transitional Side & Rear Yard: 20'
Setbacks Proposed:	Front: min. 12' min. Transitional Side & Rear Yard: min 20'
Parking Required:	undetermined on-site; overall site undetermined
Parking Proposed:	undetermined on-site; overall site 163 spaces- likely satisfactory
Loading Required:	undetermined on-site; but overall site 1- 12' x 35' space
Loading Proposed:	undetermined on-site; but overall site 1-12' x 40' space is noted but not clearly shown on plan.

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:** A CDP land use amendment is required to change the land use to Low-Density Commercial for the 1131

Mecaslin Street parcel fronting only along the east side of Mecaslin Street. The proposed rezoning is consistent with some of the goals of the Home Park Master Plan, adopted by Atlanta City Council in 2002. The goals which were enumerated included, among others:

- Champion development that enhances the multi-faceted character of greater home park;
- Create a safe environment that is engaging and pedestrian friendly;
- Transform elements of the community that are in physical decline;
- Network the community with internal and external linkages that enable convenient, but controlled, access to amenities and services.

There are no known public projects or programs with which the timing of this development would conflict.

- (2) **Availability of and effect on public facilities and services; referrals to other agencies:** The development shall comply with any building permitting requirements including on-site sewer and storm water management as well as solid waste collection.
- (3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Although there are other properties in the area which are zoned commercial, the proposal is for a new mixed-use building including hotel component. The change in zoning for the rear lot is to allow for construction of this four (4) story hotel and accessory parking deck in which to provide reasonable building scale and meet minimum parking to both successfully operate the hotel and meet parking requirements. The subject property at 1131 Mecaslin Street steps down from four (4) stories to three (3) stories and then one (1) story at the bi-level parking deck, thereby maintaining a building scale compatible to the adjacent residential neighborhood. Also, the project is proposed to satisfy transitional yards, transitional heights, and City's parking structure ordinance with a variety of architectural, lighting, screening and landscaping elements.
- (4) **Effect on character of the neighborhood:** The proposed overall development would be expected to have a positive net effect on the neighborhood. The proposal would enable the redevelopment of the site as in its current detrimental vacant condition with a reasonably scaled hotel with some retail and/or restaurant uses to serve the neighborhood as well as improve the pedestrian environment with widened sidewalks and street trees. Overall, although more traffic is expected typical drivers to the hotel would not need to cross past the commercial zoning line and enter into the center of the neighborhood. Furthermore, parking is shown unobtrusively with significant additional landscaped screening buffers adjacent to the residential neighborhood.
- (5) **Suitability of proposed land use:** The proposed rezoning only includes an area which has been utilized as an accessory parking area for a very long time and is within 160 feet of a major arterial corridor (14th Street). Therefore, the overall development of this site in a scale respecting transitional heights and transitional yards with landscape screening appears reasonable. Further, the hotel use would provide guest lodging opportunities which are currently limited in this portion of the City.
- (6) **Effect on adjacent property:** The proposed development should not adversely impact adjacent properties as the site currently operates as an accessory surface parking lot without meeting transitional yards or screening requirements. The proposal indicates that transitional heights,

transitional yards with landscaping and trees will be provided adjacent to the parking deck in transitional yards. Also, while more traffic would be expected this would not need to cross into the past the existing parking lot and directly affect the adjacent R-5 residential zoning area.

- (7) **Economic use of current zoning:** The current two-family residential zoning (in combination with of adjacent commercial zoning) does have some economic use, however, the conversion to a commercial zoning designation for all parcels would provide better economic value by allowing the development of a mixed-use building, including hotel and neighborhood serving retail/restaurant uses, at a scale commensurate with adjacent single and two-family residential uses. Note: without the rezoning of this 1131 Mecaslin Street site, a surface parking lot would remain and the development of the remaining parcels along 14th Street could continue but the building would need to be at a greater scale due to the smaller aggregate footprint and necessary configuration of deck parking. This rezoning allows for reasonable building scale and to meet minimum parking to both successfully operate the hotel and meet code.
- (8) **Compatibility with policies related to tree preservation:** The property contains several mature trees in the rear and side yard which would be removed to accommodate the new building with parking deck and screening requirements. However, the applicant must comply with the tree ordinance requirement at time of permitting.
- (9) **Other considerations:** Rezoning for the subject 1131 Mecaslin Street parcel would allow for the development of mixed-use building (including hotel) in order to continue the transformation and revitalization of the 14th Street corridor and provide mix of uses along this corridor at a reasonable scale. Note: without the rezoning of this site, a surface parking lot would remain and the development of the remaining parcels along 14th Street could continue but such building would need to be at a greater scale due to the smaller aggregate footprint and necessary configuration of deck parking.

STAFF RECOMMENDATION: APPROVAL with the following conditions:

- 1) **Conceptual Site Plan:** The Property shall be developed in accordance with the conceptual Site Plan prepared by Ponder & Ponder Architects dated 8/28/2014 and stamped received by the Office of Planning on September 2, 2014.
- 2) **Building Height:** The building height shall be limited to either four (4) stories or 60' feet above 14th Street while the accessory parking structure shall be limited to one (1) story or 16' feet above Mecaslin Street.
- 3) **Mecaslin Street Width:** A portion of the Mecaslin street curb shall be moved eastward to provide a min. 20' feet curb to curb street width along Mecaslin Street from the 14th Street intersection to the southernmost curbcut along Mecaslin Street. This Mecaslin Street improvement shall be approved by the Office of Planning in coordination with the Department of Public Works prior to issuance of a building permit for the Property.
- 4) **Mecaslin Curbcuts/Driveways:** The northernmost curbcut along Mecaslin Street shall be designed as one-way right out (northbound) only and the southernmost curbcut along Mecaslin Street shall be designed as two-way but right-out (northbound) only in coordination with the Department of Public Works prior to issuance of a building permit for the Property.
- 5) **Landscape Buffering:** New evergreen trees and vegetation shall be provided in conjunction with existing trees in the required 20' transitional yard between the parking structure and the east and

south property lines to screen such parking structure. The quantity, type, and location of tree plantings as described above shall be approved by the Office of Planning in coordination with the City Arborist prior to issuance of a building permit for the Property.

- 6) Lighting: Parking structure lighting shall be directed or otherwise shielded from adjacent residential properties and adjacent public rights-of way.
- 7) Outdoor Sound: No outdoor music; amplified or otherwise, is allowed on-site.



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: U-14-06 for 380 14th Street & 1131 Mecaslin Street, NW

DATE: September 8, 2014 (*deferred from August 14 and May 8, 2014*)

The applicant seeks a Special Use Permit (SUP) for or a Hotel pursuant to Section 16.12. 005(1)(g) for property located at 380 14th Street, N.W. and 1131 Mecaslin St. N.W. The hotel use would be part of a new mixed-use building, including retail uses, along with an accessory parking structure.

FINDINGS OF FACT:

- **Property location:** The subject site includes three (3) parcels at the southeast intersection of 14th Street and Mecaslin Street. It is located in land lot 149 of the 17th District, Fulton County, Georgia. It is in the Home Park neighborhood of NPU-N, Council District 2.
- **Property size and physical features:** The site features three (3) parcels of a combined size of 0.925 acres which two (2) parcels front approximately 186 feet along the south side of 14th Street at the southeast intersection of Mecaslin Street. The third parcel, 1131 Mecaslin Street, only fronts on Mecaslin Street and is separated from the other parcels by an alley. Overall, this provides an approximate total of 260 feet of frontage along Mecaslin Street including the 10 foot wide alley. The parcels along 14th St. contain a former church building most recently used as a theater while the southern parcel has only a surface parking lot accessory to these uses. Interestingly, the east-west alley appears to house a portion of a carport constructed over multiple property lines for the purposes of an adjacent residence at 1130 State Street to the east. The site slopes to the south away from 14th Street about 15 feet overall and contains several mature trees in the front lawns along 14th Street and Mecaslin Street and boundary trees in the south and east rear yards.

- **CDP Land Use Plan Designation:** The current land use designations are Low Density Commercial (LDC) for the two parcels along 14th Street and Low Density Residential (LDR) for the parcel at 1131 Mecaslin Street. A CDP land use change is required to change the zoning to commercial to allow for this proposed hotel use.
- **Current/past use of properties:** The parcels at 380 14th Street contain what was previously believed to be a church but most recently housed a performance theater which now appears shuttered. The 1131 Mecaslin Street parcel appears to have served as a surface parking lot for these previous uses according to the applicant for at least 50 years past.
- **Surrounding zoning/land uses:** Land uses and zoning to the south of the subject site are consistently Low Density Residential (LDR) with R-5 (two-family) residential zoning and SPI-18 overlay. These sites are developed with a mixture of single-family and two-family structures in various maintenance levels. Land uses along 14th Street to the north, east and west are more varied with predominately Low Density Commercial (LDC) land uses containing C-2 and C-1-C zoning. These sites house a variety of commercial uses including restaurants, personal services, home good repair, auto wash, offices, small grocers and places of worship, among others. Also, there is a High Density Commercial land use with C-3-C zoning to the immediate northwest housing the local CBS network headquarters and a Mixed Use land use with MRC-3-C zoning less than 120' to the northeast having restaurant uses.
- **Transportation system:** Adjacent 14th Street is known as US-19 and state route GA-9 and is classified as a collector street. 14th Street has sidewalks along each side of the street but no MARTA service. All other streets in the vicinity (including Mecaslin Street) are classified as local streets. The frontage of subject site along Mecaslin Street has a sidewalk but the rest of Mecaslin Street does not.

PROPOSAL:

The applicant proposes a special use permit and concurrent change in zoning for a portion of the site for the purpose of constructing a new four (4) story mixed-use building including a combined hotel and retail building predominately along 14th Street with an accessory parking structure in the rear accessible from Mecaslin Street via three (3) curbcuts. The building is proposed to contain 122 guest rooms with 1,300 square feet of meeting room(s) and 5,931 square feet of commercial floor area including likely retail/restaurant spaces. Parking would be provided via 163 spaces in a bi-level parking deck with only one (1) exposed level above grade provided to meet parking requirements.

- a) **Ingress and egress:** The applicant proposes three (3) curbcuts along Mecaslin Street including a northern curbcut for the main entry/lobby area, a two-way central curbcut for both main entry/lobby access as well as access to the main accessory parking area including hotel dumpster and services. A southern curbcut is proposed for the lowest levels of parking. Emergency vehicles could access the building from either Mecaslin Street or the central curbcut and alley. It is not indicated how employees would park or whether self-service or valet service is intended for hotel patrons.
- b) **Off-street parking and loading:** Approximately 163 parking spaces would be provided to serve hotel guests and employees as well as patrons of the other proposed commercial uses. These spaces

would be accessed from the central and southern curb cut along Mecaslin Street. Also, one (1) - 12' x 40' loading space is noted; however, is not clearly shown on the plan.

- c) **Refuse and service areas:** A screened and lidded dumpster is shown on the proposed site plan accessed from the proposed expanded alley originating along Mecaslin Street. Commercial garbage collection is proposed for refuse within the dumpster.
- d) **Buffering and screening:** The applicant has indicated that parking lot lighting will have cut-off light fixtures to keep light from spilling on adjoining properties. Also, car lights would be shielded from view with minimum 42" height parapet walls at the periphery of the parking deck. Within the required transitional south landscaped yard, trees are proposed to be planted at 20' on-center with dense screening vegetation between such trees. New 6' opaque fencing would be required to the R-5 sites to the south and east.
- e) **Hours and manner of operation:**
 - i. **Overview:** The project would include a 122-room hotel with meeting rooms and nearly 6,000 square feet of retail/restaurant space. Parking would be provided with a 163 space parking deck with only one (1) exposed level above grade accessible from curbcuts along Mecaslin Street.
 - ii. **Hotel management/staff:** The hotel lobby, management and service function will be staffed continuously seven days a week to accommodate the needs of hotel guests. The final employee count and staffing shifts is yet to be determined.
 - iii. **Hotel lobby and restaurant/retail space:** The hotel lobby will be open continuously. Restaurant/retail hours are yet to be determined but would need to be in keeping with City and State requirements.
- f) **Duration:** The applicant requests unlimited duration of the special use permit.
- g) **Tree Preservation and replacement:** The property contains several mature trees in the front lawns along 14th Street and Mecaslin Street as well as trees in the south and east rear yards. Many of those in the rear would be maintained but otherwise trees would be removed to accommodate the new building and parking deck. The applicant has stated to be compliant with the tree ordinance requirement at time of permitting.
- h) **Required yards and open space:** The proposed plan shows compliance with the required transitional yards and open space for the construction of the building and accessory parking deck including landscaping and trees in such yards. Although Staff notes that the existing alley would be bridged approximately 16' feet above grade by the hotel building

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Proposed driveways appear adequate for vehicular access and egress to the subject property along Mecaslin Street. Staff recommends that Mecaslin Street be partially widened on-site to be a consistent 20' width from the central curbcut to the intersection at 14th Street. Final traffic flow patterns to be approved in coordination with the Department of Public Works.
- b) **Off-street parking and loading:** The on-site parking appears to be sufficient. On-site loading is indicated but not shown in the site plan. Staff recommends that a 12'x35' loading area and its accessibility clearly be shown on the plan.
- c) **Refuse and service areas:** The proposed facilities including screened dumpster appear to be sufficient.
- d) **Buffering and screening:** The proposed landscape screening in the south and east transitional yards appear to limit visibility to the parking deck. This screening is indicated include a combination of new evergreen trees although Staff notes that the screening should in conjunction with existing shade trees abutting the eastern and southern facades of the parking deck. This final landscape plan to be approved with in coordination with the City arborists.
- e) **Hours and manner of operation:** As proposed by the applicant hours and manner of operation appear to be reasonable based on the uses proposed.
- f) **Duration:** Staff is in support of no limit on the duration of the special use permit.
- g) **Compatibility with policies related to tree preservation:** The applicant has indicated they will meet all requirements of the City of Atlanta Tree Ordinance.
- h) **Required yards and open space:** The required open space and yards appear to be met. However, within these required yards, Staff recommends a combination of new evergreen trees in conjunction with existing shade trees abutting the eastern and southern facades of the parking deck
- i) **Other considerations:** The Special Use Permit (SUP) is required to allow the hotel and accessory parking deck construction. The SUP for all three parcels would continue the transformation and revitalization of the 14th Street corridor to provide a mix of uses along this corridor at a reasonable scale.

STAFF RECOMMENDATION: APPROVAL with the following conditions:

- 1) **Conceptual Site Plan:** The Property shall be developed in accordance with the conceptual Site Plan prepared by Ponder & Ponder Architects dated 8/28/2014 and stamped received by the Office of Planning on September 2, 2014.
- 2) **Building Height:** The building height shall be limited to either four (4) stories or 60' feet above 14th Street while the accessory parking structure shall be limited to one (1) story or 16' feet above Mecaslin Street.

- 3) Mecaslin Street Width: A portion of the Mecaslin street curb shall be moved eastward to provide a min. 20' feet curb to curb street width along Mecaslin Street from the 14th Street intersection to the southernmost curbcut along Mecaslin Street. This Mecaslin Street improvement shall be approved by the Office of Planning in coordination with the Department of Public Works prior to issuance of a building permit for the Property.
- 4) Mecaslin Curbcuts/Driveways: The northernmost curbcut along Mecaslin Street shall be designed as one-way right out (northbound) only and the southernmost curbcut along Mecaslin Street shall be designed as two-way but right-out (northbound) only in coordination with the Department of Public Works prior to issuance of a building permit for the Property.
- 5) Landscape Buffering: New evergreen trees and vegetation shall be provided in conjunction with existing trees in the required 20' transitional yard between the parking structure and the east and south property lines to screen such parking structure. The quantity, type, and location of tree plantings as described above shall be approved by the Office of Planning in coordination with the City Arborist prior to issuance of a building permit for the Property.
- 6) Lighting: Parking structure lighting shall be directed or otherwise shielded from adjacent residential properties and adjacent public rights-of way.
- 7) Outdoor Sound: No outdoor music; amplified or otherwise, is allowed on-site.



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KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-23 for 1760 Memorial Drive, S.E.

DATE: September 8, 2014

The applicant's initial request was to rezone the subject property from R-4A to the RG-3 zoning district. Since that time, the application has advised the Office of Planning of its desire to amend their initial request from the RG-3 zoning to the MRC-2 (Mixed Residential Commercial) District.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 201 feet on the north side of Memorial Drive, fronting approximately 164 feet on the south side of Memorial Drive and located approximately 165 feet east of the intersection of Memorial Drive and Clay Street. The property is located in Land Lot 206 of the 15th District, DeKalb County, Georgia in NPU-O Council District 5.
- property size and physical features: The subject property consists of 0.829 acres and is currently developed with 3 two story multi-family units. Access to the property is via provided via two ingress driveways. The side yards are surrounded by a wooden fence that is approximately 6 feet in height. Topography is relatively flat however, the west side of the property begins to slope and is adjacent to an active creek. There are several trees that surround the perimeter of the property.
- CDP land use map designation: Medium Density Residential.
- Current/past use of property: The site is currently developed as a multifamily development. Staff is unaware of any previous uses.
- Surrounding zoning/land uses: The subject property is surrounded by properties with a variety of zoning categories to include: C-1 (Community Business) to the west, RG-3-C (Residential General Sector 3- Conditional) to the east and north and R-4 (Single Family Residential) to the south.
- Transportation system: Memorial Drive is an arterial road that is serviced by MARTA.

PROPOSAL:

Staff Note: The original proposal was to rezone from R-4A to RG-3. However, on July 11th the applicant amended the application to rezone to MRC-2.

The applicant's intent is to rezone the subject property in order to bring the existing multi-family development into conforming status by rezoning to a district that is compatible. Furthermore, the applicant is also proposing to renovate the three existing two story multi-family units.

Required variances/special exceptions: The proposed project must comply with the zoning requirements for the MRC (Mixed Residential and Commercial) district.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The proposed rezoning for 1760 Memorial Drive is not compatible with the 2011 Comprehensive Development Plan and will require an application to amend the land use designation to Low Density Commercial. However, the applicant has not submitted an application to the City of Atlanta to amend the Comprehensive Development Plan. Furthermore, Staff is not supportive of an amendment to the CDP as a change would not be compatible to the surrounding areas as parcels immediately adjacent to the subject properties are also designated as Medium Density Residential. Therefore, Staff is of the opinion that a change in the land use to Low Density Commercial will compromise the intent of the Comprehensive Development Plan.

As previously indicated, the subject property is developed with multifamily residential uses and a more appropriate land use category in support of establishing a zoning district that is more compatible with the existing and proposed use would be Medium Density Residential.

(2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been an established mixed use (residential and commercial) corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:

The subject parcel is currently developed with several multifamily units. The applicant has proposed to renovate the existing development that is currently compatible with the surrounding area. Therefore, Staff is of the opinion that no other land needs to be evaluated for the subject rezoning.

- (4) **Effect on character of the neighborhood:** The immediate area is flanked by multifamily developments, single family residences and commercial establishments. The subject section of the Memorial Drive corridor has numerous medium density and low density residential developments in the area. The proposed renovation of the existing development would promote the intentions of the Comprehensive Development Plan and support the redevelopment of other residential and mixed-use projects that are currently under way on nearby sites. Therefore, the proposed renovation of the multifamily development would not change the character of the neighborhood.
- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone to MRC-2 would not be compatible with the surrounding zoning and land uses. As aforementioned the property is immediately adjacent to multi-family developments and single family residences. A change to the MRC designation would bring high density a section of the Memorial Drive corridor that is currently flanked with medium density residential developments and single family residences. Therefore, Staff is supportive of a change to MR-2 which is compatible with the surrounding area and land use.
- (6) **Effect on adjacent property:** No negative effects are expected on adjacent properties with a change in zoning to MR-2. Currently the subject site is adjacent to multifamily developments and single family residences. The proposed renovation of the multifamily development would only compliment an area where development is prevalent and needed.
- (7) **Economic use of current zoning:** The current zoning of R4-A does not allow for economic use of the land as the subject property is developed with multi-family units. However, a change to MRC-2 also does not allow for economic use of the land. The lot area coupled with the existing creek which is subject to a stream buffer variance would severely restrict a reasonable build on the subject property. Conversely, a change to the MR-2 zoning category, which is less restrictive than MRC, would allow the applicant to construct a reasonably sized multifamily development.
- (8) **Tree Preservation:** It is noted that additional trees or recompense may be necessary to comply with the City of Atlanta Tree Ordinance. However, the applicant has confirmed that all policies related to tree preservation will be met.

STAFF RECOMMENDATION: APPROVAL of a substitute ordinance rezoning the subject property from R4-A (Single Family Residential) to MR-2(Multi Residential-Sector




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CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-25 for 1767 and 1777 Marietta Road, N.W.

DATE: September 8, 2014 (Deferred August 14, 2014)

An Ordinance to rezone from the **R-4A (Single Family)** district and to the **RG-2 (Residential General-Sector 2)** district for the development of 21 townhomes.

The applicant has requested a deferral to allow additional time to work with the NPU on possible conditions for the proposed rezoning. Staff supports the request for deferral.

STAFF RECOMMENDATION: 60 DAY DEFERRAL-NOVEMBER 2014



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M. Kasim Reed
MAYOR

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CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-27 for 2308 Boulevard Granada, SW

DATE: September 8, 2014 (*deferred from August 14, 2014*)

An Ordinance by Zoning Committee to rezone the property located at 2308 Boulevard Granada from the NC-6 (Neighborhood Commercial-Cascade) District to the R-4 (single-family residential) district.

FINDINGS OF FACT:

- Property location: the subject property is located on the west side of Boulevard Granada approximately 262 feet south of Cascade Road in the Adams Park Neighborhood of NPU-R, Council District 11. It is located in land lot 184 of the 14th District, Fulton County, Georgia.
- Property size and physical features: The property is approximately 17,572 square feet and relatively flat with a slight increase in slope at the back of the rear yard. There are several mature trees in the rear yard beyond the driveway pad and lawn area.
- CDP land use map designation: The current land use designation is Low Density Commercial (LDC). A CDP land use designation is not required to change the zoning to single family residential.
- Current/past use of property: According to the property owner, the property has been used for multi-family residential use for the past 20 years. Staff conducted an on-site inspection to verify that there are three dwelling units each with separate entrances. Previous to that, the property owner used the property for his dental office for several years.
- Surrounding zoning/land uses: Surrounding zoning and land uses for the adjacent properties to the south, rear and across the street on Boulevard Granada are single-family residential uses. Adjacent properties to the north with frontage along Cascade Road are zoned Neighborhood

Commercial (NC-6) and have commercial retail uses (i.e. Family dollar and other retail uses), dry cleaning and hair salon establishments.

- **Transportation:** Boulevard Granada is classified as a local street and Cascade Road as an arterial road. MARTA bus services run along both Boulevard Granada and Cascade Road with bus stops located at the intersection, within a block of the subject property. Access to Interstates I-285 and I-20 are within a 10-15 minute drive of the subject property.

PROPOSAL:

The proposed legislation would rezone the property to single-family residential to match the residential uses in the neighborhood. No changes to the existing structure and property are proposed.

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The proposed rezoning to R-4 (single-family residential) would not require a CDP land use change; however, staff recommends a zoning change instead to Residential Limited Commercial (RLC) to maintain conformity of the multi-family use on the property. The rezoning to RLC would still be compatible with the comprehensive development plan. The rezoning would not affect the timing of development since no change to the subject property is proposed.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** Since no change to the property and its existing use is proposed, these considerations are not applicable.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** The property is currently being used for multi-family residential uses with three dwelling units and no changes to that use are proposed; therefore, these considerations are not applicable. Converting the commercial zoning designation to a multi-family residential use is consistent with the current use of the subject property and more in keeping with the residential character of the abutting single-family residential properties.
- 4) **Effect on character of the neighborhood:** Since no change to the current use of the property is proposed this consideration is not applicable. However, the rezoning to a residential use would protect the adjacent single-family residential properties and maintain the residential character established on Boulevard Granada.
- 5) **Suitability of proposed land use:** The rezoning does not require a change in land use designation; however, maintaining the multi-family residential use on the property would be appropriate to maintain the residential uses in the neighborhood.
- 6) **Effect on adjacent property:** The rezoning of the property would have a positive impact on adjacent residential properties by maintaining the established residential character of the neighborhood.

- 7) **Economic use of current zoning:** Since no development projects are being proposed as part of the rezoning, these considerations are not applicable. The property is currently being used as multi-family residential and a zoning change to a multi-family residential category would maintain that use.
- 8) **Compatibility with policies related to tree preservation:** Since no development projects are being proposed as part of the rezoning, these considerations are not applicable. No change to the current use and structures of the property are proposed.

STAFF RECOMMENDATION: APPROVAL of a substitute ordinance that rezones the property to RLC (Residential Limited Commercial) with the following conditions:

1. All non-residential uses, except home occupation uses as defined in Section 16-29.001(17), shall not be permitted.



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CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director

SUBJECT: Z-14-34 for 410 Felton Drive, 395 Central Park Place, 330 McGill Place, 330 and 333 Ralph McGill Boulevard, NE

DATE: September 8, 2014 (*deferred from August 14, 2014*)

Applicant is seeking to rezone the property from the C-4 (Central Area Commercial Residential) District to the RG-4 (Residential-General) district. The 395 Central Park Place, 330 McGill Place, 330 and 333 Ralph McGill Boulevard addresses comprise one parcel lot of record. A portion of the subject property is being rezoned.

Upon further investigation, Staff has determined that the actual rezoning is for a portion of the property described above, as opposed to 410 Felton Street. As a result, this application will require proper public notification

STAFF RECOMMENDATION: 30 DAY DEFERRAL-OCTOBER 2104



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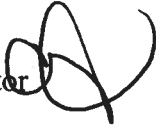
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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-46 for Chapter 28A-Sign Ordinance-Visibility from Public Rights-of Way

DATE: September 8, 2014

An Ordinance by Councilmember Keisha Lance Bottoms to amend the Sign Ordinance of the City of Atlanta, Chapter 28A of the Atlanta Zoning Ordinance, as amended, to define the term "window sign", to require window signs to obtain sign permits if visible from the public rights of way, to regulate the time, place and manner in which window signs shall be permitted; and for other purposes.

A new ordinance has been introduced by the Councilmembers Bottom, Martin and Dickens to further address this issue.

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STAFF RECOMMENDATION: FILE